IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.162 of 1996

Between:

Parent Teachers' Association, Zilla Parishad Secondary Pathasala School L.M.D.Colony, Karimnagar, rep.by Sri Ramidi Malla Reddy, S/o.Yella Reddy, age 35 yrs, Vice President, R/o.L.M.D.Colony, Karimnagar District

..... PETITIONER

AND

1 The Chief Executive Officer, Zilla Praja Parishad
Karimnagar District, Karimnagar
2 The Commissioner and Director of School Education, Govt. of Andhra

Pradesh, Hyderabad
3 The District Educational Officer, Karimnagar District
Karimnagar
4 The Principal, D.I.E.T. (District Inst. Educational Training)
L.M.D. Colony, Karimnagar
5 The Head Master, Zilla Parishad Secondary School
L.M.D.Colony, Karimnagar

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction especially in the nature of a Writ of Mandamus declaring the proceedings of the Chief Executive Officer, Zilla Praja Parishad, Karimnagar in No.C2/2274/95 Dt.27/12/1995 as being inoperative, void ab-initio, nonest in the eye of law and being violative of the principles of natural justice and contrary to the provisions of the A.P. Education Act 1982 and the rules made there under.

Counsel for the Petitioner: MR.Y.VENKAT SASTRY

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

Challenging the proceedings of the 1st respondent in No.C2/2274/95-1, dated 27.12.1995 retransferring the Classes VI and VII to the Upper Primary School from the Z.P. Secondary School, L.M.D. Colony, Karimnagar the present writ petition is filed.

The brief facts of the affidavit filed in support of the writ petition are that on 08.11.1988 the 2nd respondent had issued instructions stating that the pattern of schools in the State is; Primary Schools from Classes I to V and Secondary Schools from Classes VI to X and wherever schools have been permitted to work as single unit they shall be separated as two units viz., Classes I to V and VI to X respectively. Keeping in view the same, the petitioner-Association made a representation to the 1st respondent – Chief Executive Officer, Zilla Praja Parishad, Karimnagar on 19.06.1995 for withdrawal of classes VI and VII from Upper Primary School, LMD Colony and for inclusion of the same in Z.P. Secondary School of the same colony. Accordingly, the 1st respondent has considered the said representation and issued proceedings in No.C2/2274/95, dated 31.08.1995 transferring the classes VI and VII from the Upper Primary School to the Z.P. Secondary School, LMD Colony. The only grievance of the petitioner-association is that the 1st respondent again issued proceedings in No.C2/2274/95-1, dated 27.12.1995 re-transferring the classes VI and VII to the Upper Primary School after deletion from the Z.P. Secondary School. Hence, the writ petition.

Even though the writ petition was admitted on 18.01.1996, no counter affidavit is filed so far. Learned counsel for the petitioner submits that he has no instructions in the matter.

In the circumstances, instead of keeping it pending, I deem it appropriate to

dispose of the writ petition with a direction to the first respondent to issue a notice to the writ petitioner-Association and if any reply submitted the same may be taken into consideration before implementing the orders, impugned herein.

The Writ Petition is disposed of with the above observation. No costs.

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(N.V. RAMANA, J)

Date: 03.11.2004

Nsr/Asp

To

1 The Chief Executive Officer, Zilla Praja Parishad
Karimnagar District, Karimnagar
2 The Commissioner and Director of School Education, Govt. of Andhra

Pradesh, Hyderabad
3 The District Educational Officer, Karimnagar District
Karimnagar
4 The Principal, D.I.E.T. (District Inst. Educational Training)
L.M.D. Colony, Karimnagar
5 The Head Master, Zilla Parishad Secondary School
L.M.D.Colony, Karimnagar

6 Two CCs to GP for School Education, High Court Buildings, Hyderabad

(OUT)

7 Two CD copies.